

**SUBDIVISION REGULATIONS
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BUCHANAN COUNTY, MISSOURI

RULES FOR LAND SUBDIVISION

AS AMENDED

SUBDIVISION REGULATIONS: WHEREAS, the Planning and Zoning Commission of Buchanan County, Missouri, hereinafter referred to as the “Commission”, deems it necessary for the purpose of promoting coordinated physical development, conservation of natural resources, insuring efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants of the County:

These regulations are hereby adopted and enacted under authority of R.S. Mo. 64.510-64.690 and amendments, thereto, comprising requirements, standards and specifications with respect to provision for the proper location and width of streets, building lines, open spaces, safety, recreation; and for the avoidance of congestion of population; and for the manner in which streets shall be graded and improved; and the extent to which water, sewer and other utility services shall be provided; and to provide for the approval of Preliminary Plats and Final Plats and endorsement thereof by the “Commission”, and by the Buchanan County Commission; and for the protest of a municipality.

FOR SEWAGE DISPOSAL REGULATIONS, REFER TO SECTION 721 OF THE BUCHANAN COUNTY ZONING ORDER BOOK.

THEREFORE, BE IT ENACTED by the Planning and Zoning Commission of Buchanan County, Missouri:

1. **A SUBDIVISION** shall, for the purpose of these regulations, be the division of a tract of land into two (2) or more lots for the purpose of sale and / or development, whether immediate or in the future, including the re-subdivision or re-platting of land or lots and division of land, or non-division of land, where a street, public or private, is to be dedicated, reserved or platted, open or constructed, except the division of land into two (2) parcels greater than 5 acres each shall be exempt from these regulations. Subdivisions are classified as follows:
 - A. **Minor subdivision:** Any subdivision fronting on an existing street and not involving any new street or other required or provided public dedication of lands.
 - B. **Major Subdivision:** Any subdivision not classified as a Minor Subdivision.
2. **A STREET** shall be the land between property or lot lines which is dedicated, deeded, or reserved to the public for the use of vehicular traffic, and may include sidewalks, utilities, and trees provided any dedicated or deeded public vehicular way along rear property or lot lines and less than twenty-five (25) feet wide shall be considered an alley and not a street.
3. **SCOPE** – In the subdivision or re-subdivision of land within Buchanan County and not within incorporated areas, the owner or developer shall exercise due regard to the alignment, width, gradient and location of streets in relation to other existing or planned streets, to adequate drainage, to safe and expedient flow of traffic, and to provide for roadway surface, utilities, schools, and recreation.

4. **APPROVAL REQUIRED:** All plans, plats or re-plats of land hereafter laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon, or adjacent thereto, and plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts, shall be presented for approval as follows:

A. PRELIMINARY PLATS

REZONING: If a rezoning application will be required as part of the subdivision application, such rezoning application shall be filed at such time that the public hearing on the rezoning shall be held at the same meeting as the review of the preliminary plat.

(Amended 10-09-85)

MINOR SUBDIVISIONS: For all minor subdivisions, review and approval of the Preliminary Plat shall be conducted by the Planning and Zoning Administrative Officer, hereinafter referred to as the "Officer", if all requirements of these regulations and the Zoning Order has been met.

MAJOR SUBDIVISIONS: Preliminary approval of major subdivisions shall be made by the "Commission". Said review shall be reported on within thirty (30) days of submission of the plat. The time of submission of a plat shall be considered to be the date of the regular monthly meeting of the "Commission" at least ten (10) days prior to which the plat for approval, complete and accompanied by the required fee and all other data required by these regulations, has been filed with the "Officer". Failure to report on a Preliminary Plat within thirty (30) days as stated above, will result in an approval of the plat by the "Commission". In case of disapproval, the "Commission" or "Officer" shall inform the applicants the reason(s) for its action.

- B. FINAL PLATS** - All Final Plats shall be approved by the "Commission" and the Buchanan County Commission, providing the Final Plat is in conformance with the Preliminary Plat, as approved by the "Commission", and / or the "Officer". Such approval shall take place within thirty (30) days of submission.

5. **PRELIMINARY PLAT** - One (1) 36" X 36" print along with twenty (20) 11" X 17" copies of a Preliminary Plat of any proposed subdivision shall be submitted to the "Commission" at least ten (10) days before the meeting at which approval is asked. The Preliminary Plat shall be drawn at a scale no smaller than two hundred (200) feet to the inch. The Preliminary Plat shall show or be accompanied by the following information:

- A. The proposed name of the subdivision and names of adjacent subdivisions.
- B. The names of the owner and the engineer, surveyor, or landscape architect responsible for the survey and design.
- C. The location of boundary lines and their relation to established section lines, fractional section lines, or survey lines.

- D.** The location and width of existing and proposed streets, roads, lots (approximate dimensions), alleys, building lines, easements, parks, school sites, and other features of the proposed subdivision. The Plat shall show the outline of adjacent properties for a distance of at least three hundred (300) feet, or sufficient distance to determine the relationship of adjacent property and streets, and how the streets, alleys or highways in the proposed subdivision may connect with those adjacent which exist or are of record.
- E.** Survey showing physical features of the property, including water courses, ravines, bridges, culverts, present structures, and other features of importance to lot and street layout. The approximate acreage of the property shall be indicated. Topography of the tract with contour intervals of not more than ten (10) feet shall be shown on the Preliminary Plat.
- F.** Approximate gradients of streets.
- G.** Designation of the proposed uses of land within the subdivision, whether for residential, commercial, industrial or public use, such as parks, schools, churches, etc.
- H.** Centerline profiles of proposed streets may be required by the County Highway Engineer.
- I.** North Point, scale and date.
- J.** The name of the owner and of all adjoining property owners as disclosed by the most recent County tax records.
- K.** All existing restrictions on the use of land including easements or zoning lines and all proposed restrictions, covenants, and Home Owner's Associations. *(Amended 2-14-1990)*
- L.** All the utilities, which are either proposed, mapped or built.
- M.** All proposed lot restrictions applicable to the lots identified within the proposed subdivision, including, but not limited to, the following restrictions:
 - 1) Single family or other type of dwelling.
 - 2) Square footage restrictions.
 - 3) Restrictions on out buildings.
 - 4) Restrictions on business uses of the lots within the proposed subdivision.
 - 5) Restrictions on mobile homes.

If the developer submitting the Preliminary Plat does not intend to place restrictions with respect to any of the above items, then the lot restriction section of the Preliminary Plat should so state. *(Amended May, 1997)*

Approval of the Preliminary Plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the Final Plat for record. No grading of streets or construction shall be done on the subdivision before the Final Plat is approved by the Commission.

6. **FINAL PLAT** - After the Preliminary Plat has been approved by the "Commission" and /or the "Officer", a Final Plat for record shall be prepared and submitted to the "Commission" and /or "Officer" for approval by that body and by the Buchanan County Commission. Two (2) prints of the plat shall be filed in the office of the "Commission" at least ten (10) days prior to the meeting at which approval is asked. The original plat shall be a scale of one hundred (100) feet to the inch, unless waived by the "Commission" or the "Officer", and shall show or be accompanied by the following information:
 - A. The name of the subdivision and adjacent subdivisions, the names of streets (to cause minimum conflict with other street names), and the numbers of lots and blocks, in accordance with a systematic arrangement, along with addresses for each lot as approved by the Zoning Officer. *(Amended 10-9-1989)*
 - B. An accurate boundary survey of the property, with bearings and distances, referenced to section or fractional section corners, or survey corners and showing (in dotted lines) the lines of immediately adjacent streets and alleys with their widths and names.
 - C. Location of lots, streets, public highways, alleys, utility easements, parks and other features, with accurate dimensions in feet and decimals of feet, with the length and radii of all curves, and with all other information necessary to duplicate the plat on the ground. *(Revised April, 1983)*
 - 1) The following statement shall appear on the Final Plat and be a part of the subdivision regulations: That all utilities and any cable television franchise have the right to cut, trim or remove trees or any other obstruction that may interfere with or endanger the construction, operation, maintenance or repair of any utility facility. *(Revised April, 1983)*
 - D. The location of building lines on front and side streets, and the location and dimensions of utility easements.
 - E. Dedication of all streets, public highways, and / or other land intended for public use, signed by the owner or owners, and by all other parties who have a mortgage or lien interest in the property, together with any restrictions which are to apply to lots.
 - F. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of the streets and alleys to conform to the grades, as established, may be required by the "Commission".
 - G. Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that all the necessary boundary survey monuments are correctly shown thereon.
 - H. North Point, scale and date.

- I. A statement that all lots are subject to covenants and restrictions filed in Buchanan County Recorders Office Book ____Page____. (*Amended February 14, 1990*)
- J. All proposed lot restrictions applicable to the lots identified within the proposed subdivision including, but not limited to, the following restrictions:
 - 1) Single family or other type of dwelling.
 - 2) Square footage restrictions.
 - 3) Restrictions on out buildings.
 - 4) Restrictions on business uses of the lots within the proposed subdivision.
 - 5) Restrictions on Mobile Homes. (*Amended May, 1997*)

All Final Plats approved by the Buchanan County Commission shall be filed for record in the Buchanan County Recorder's Office within ninety (90) days. Failure to record an approved Final Plat within ninety (90) days shall render the Plat null and void. No subdivision shall be approved unless property has been previously zoned to allow for the type of land use proposed in the subdivision.

Failure to commence construction, of an approved subdivision, within one (1) year of approval of the Final Plat by the Buchanan County Commission, shall terminate such approval and the plat must be resubmitted to the "Commission" and re-approved before any construction may commence. Any plat resubmitted to the "Commission" shall have the status of a Preliminary Plat and must satisfy all the requirements of the "Commission" and meet all the subdivision regulations in force at the time of its re-submittal.

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval has been given by the "Commission", unless such plat is resubmitted to the "Commission" and the "Commission" approves any such modifications. The official plat must be submitted to the Buchanan County Commission for signatures by the "Officer" only.

All figures and letters shown must be plain, distinct, and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record. Plats shall be submitted drawn on mylar paper, its equal or better.

When more than one (1) sheet is used, a key map, showing the entire subdivision at smaller scale with block numbers and street names, shall be shown on one of the streets, or on a separate sheet of the same size.

The minimum mean depth of a residential lot shall be one hundred (100) feet. The width of a lot shall be measured at the front building line required in the Zoning Order or at the front building line as shown on the Final Plat if such platted building line has a setback greater than that required in the Zoning Order.

7. GENERAL REQUIREMENTS

STREET ARRANGEMENTS – Unless otherwise approved by the “Commission”, provision must be made for the extension of existing dead-end streets. Off-center street intersections with an offset of less than one hundred (100) feet will not be approved except in unusual cases. Streets with reverse curves must have a tangent of at least fifty (50) feet between curves.

Proposed streets must conform to existing topography as nearly as possible so that drainage problems will be reduced. Streets should, wherever possible, follow valleys so as to form a collection system for surface water. Surface drainage across residential lots or along the side or rear lot lines shall be avoided wherever possible. Where such drainage on residential lots is necessary, easement shall be provided and the “Commission” may require protective devices in order that adjacent or surrounding property or the welfare of the public shall not be endangered and maintenance will be kept at a minimum. Protective devices and other drainage structures shall be computed with sufficient accuracy to assure their adequacy, particular attention being given to the drainage areas of surrounding land.

STREET DESIGN – For the purpose of facilitating the movement of traffic, certain streets are designated by the Master Highway Plan as thoroughfares. A map showing these thoroughfares will be on file in the office of the “Commission” and reference shall be made to this system of thoroughfares before any Preliminary Plat is approved.

When a proposed subdivision abuts a thoroughfare or is bounded by a line that will, in the future, lie in a thoroughfare or be divided by a thoroughfare, as shown on the Master Highway Plan, then the owner of that subdivision shall, by dedication or easement, provide any land within such subdivision that is necessary to provide conformity with the Master Plan, such right-of-way to be shown on the Preliminary Plat and Final Plat.

The minimum width of a street shall be fifty (50) feet, the minimum gradient shall be 0.5% and the maximum gradient shall be 12%. Streets of greater width may be required by the Commission on major roads.

RELATION TO ADJOINING STREETS AND LANDS – The system of streets designated for the subdivision, except in unusual cases, must connect with any streets already dedicated in adjacent subdivisions and where no adjacent connections are platted, must in general, be the reasonable project of streets in nearest subdivided tracts and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Half streets at the boundary of subdivisions may be permitted, provided no building permits shall be issued for buildings fronting thereon, until a full-width street, as required herein is dedicated and agreement made with the adjoining property owner to install curb and gutter and roadway surface the full width of the street as required herein.

LARGE ALLOTMENTS – In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged to permit the opening of future streets and logical re-subdivision.

DEAD-END STREETS AND CUL-DE-SACS – Dead-end streets may be approved where such dead-end streets are provided to connect with future streets in adjacent land. Cul-de-sacs may be permitted where the topography of the land makes it difficult to provide through streets. Such cul-de-sacs shall provide proper access to all lots and a turnaround shall be provided at the closed end with an outside street line radius of at least fifty (50) feet. Cul-de-sacs shall not be greater than six hundred (600) feet in length from an intersecting street except that in a subdivision where all lots are 1-acre or larger the “Commission” may approve a greater length. *(Amended November 11, 1985)*

BLOCK LENGTHS – In general, intersection streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing or future streets. Where no existing plats control, the blocks shall not exceed 1,320 feet in a residential district and 600 feet in a business or commercial district.

ALLEYS AND ALLEY WIDTHS – Except in unusual cases, alleys or loading courts must be provided in business blocks. Alleys are optional in residential districts, but are considered undesirable except where alleys of adjoining subdivisions would be closed or shut off from access by the failure to provide alleys in the new subdivision. Alleys shall have a minimum width of twenty-five (25) feet measured from the point of intersection of the alley lines, the resultant connecting lot lines to be at least five (5) feet in length.

LOT LINES – All rectangular lots and all other lots, so far as practicable, shall have the side lines at right angles to the street on which the lot faces, or radial to curved street lines. Lots with double frontage are undesirable and should be avoided in most cases.

UTILITY EASEMENTS – Where alleys are not included in the plat, easements of not less than fifteen (15) feet shall be provided where necessary, to be determined by utility companies involved, for the proper location or relocation of public utilities. If necessary for the extension of water or sewer lines or similar utilities, or for surface drainage, easements of greater width may be required along lot lines or across lots. Easements shall connect with established easements in adjoining property.

BUILDING LINES – Building lines shall be shown on all lots intended for residential use, and in some cases, may be required on lots intended for business use, and shall provide at least the setback required by the Zoning Order.

PARKS, SCHOOL SITES AND PLAYGROUNDS – Suitable sites for parks, schools, playgrounds or other public requirements shall be carefully considered and indicated on the Preliminary Plat. Determination of such sites, if any, shall be indicated on the Final Plat, and when, and in what manner such areas would be acquired by the public body.

8. **MONUMENTS REQUIRED** – Sufficient permanent and distinguishable monuments shall be accurately placed throughout the subdivision so that street alignments may be traced with accuracy. Such monuments shall be in the form of iron pins not less than one-half (1/2) inch in diameter and two (2) feet long-driven into the earth, or spikes not less than six (6) inches long – driven into the pavement. Such monuments shall be installed by the sub-divider as soon as reasonably possible. Such monuments shall define the boundaries of the subdivision, the corners of blocks and the beginning and end of curves on streets. The location of such monuments shall be on the centerline of streets or on the property line and shall be indicated on the Final Plat.

9. **FILING FEE** – The following schedule of fees is hereby adopted, fees which are to be paid by persons or corporations submitting plats for approval by the Commission.

A. **MINOR SUBDIVISIONS:** \$100 PLUS \$1 PER LOT

B. **MAJOR SUBDIVISIONS:**

1. PRELIMINARY PLAT \$150 PLUS \$1 PER LOT

2. FINAL PLAT \$100 PLUS \$1 PER LOT

C. **PLANNED DISTRICT:**

SITE DEVELOPMENT PLAN \$150 PLUS \$1 PER LOT

(Amended July 1, 2005)

10. **REQUIRED IMPROVEMENTS** – Upon the adoption of these rules, it shall be required, that the owner, sub-divider, or developer of the tract to be subdivided, install at his own expense, satisfactory curb, gutter, sidewalks or grades for sidewalks, and pavement on roadways, as required below, within the subdivision, which are necessary to serve said subdivision in addition to all utilities required by these regulations and the “Commission”. Installation of the above improvements shall be in accordance with the specifications of Buchanan County. All electric utility lines, telephone service lines, and cable television lines shall be underground, according to standards of the Missouri Public Service Commission for utilities covered by the Public Service Commission.

The following are road classification descriptions as outlined in the Master Highway Transportation Plan of Buchanan County.

MAJOR THOROUGHFARES – This classification serves major movements of traffic within or through the urban areas. They connect with the supplementary system or in several places with the primary system. These are major traffic generators and highways entering the urban areas. The classification of major thoroughfares defines residential neighborhoods, as well as commercial and industrial areas and lessens conflicts. The major thoroughfares are paved or have hard surfaced paving.

COLLECTOR STREETS OR ROADS – This classification collects traffic from the block-by-block local urban streets or roads and carries it to the system of major thoroughfares. The collector serves also to connect neighborhoods. Properties adjacent to these streets have direct access.

LOCAL STREETS – These streets or roads are for access to residential, commercial, industrial, and other adjacent property. All through traffic movement should be discouraged through use of S-curves, stop signs, or other traffic controls. The local streets or roads should be paved wherever possible.

The following are minimum pavement designs for various classified streets and roads in Buchanan County.

<u><i>Class of Street</i></u>	<u><i>Type of Paving</i></u>
<i>1. Local Street</i>	<i>Type B or C</i>
<i>2. Collector</i>	<i>Type A</i>
<i>3. Major or Arterial</i>	<i>Type A</i>
<i>4. Industrial Road</i>	<i>Type D</i>

Definition of Paving Types and County Maintenance

Type “A” Six inches of cement treated or asphalt treated aggregate base with 2” of asphaltic concrete surfacing and 2’ wide Portland Cement concrete curbs; or 6” of Portland Cement concrete with integral curbs; or 12” of rolled stone base with 2” asphaltic concrete surfacing with 2’ wide Portland Cement curbs and gutters.

County Responsibility – Immediate and permanent, except maintenance must be guaranteed for one year.

Type “B” Six inches of aggregate base with 2” of asphalt surfacing and 2’ concrete curbs and gutters.

Type “C” Six inches of aggregate base with double seal coat and chips; no curb.

County Responsibility – Patching, oil and chip spreading, labor and equipment use only Type “B” & “C” streets shall be accepted only after:

1. A Homes Association has been established with lien rights against lots benefited and with responsibility and power for street maintenance.
2. The Sub-divider or Home Owners Association had maintained type “B” and “C” subdivision streets up until such time as 75% of all lots have completed dwellings thereon.
3. After acceptable inspection by County Highway personnel showing the above construction and material standards have been fulfilled. *(Amended February 14, 1990)*

Type “D” Six inches of asphalt treated aggregate base with eight inches non-reinforced Portland cement.

County Responsibility – Immediate and permanent, except maintenance must be guaranteed for one year.

WIDTHS OF STREETS:

- 1. Major or Arterial Streets*** – Right-of-way width of 84 feet, to allow four 12-foot wide traffic lanes and zero to two – 10 foot wide parking lanes, or six – 12 foot wide traffic lanes.
- 2. Collector*** – Right-of-way width of 60 feet for two – 12 foot wide traffic lanes and two –10 foot wide parking lanes or four – 12 foot wide traffic lanes.
- 3. Local Streets*** – Right-of-way width of 50 feet for two – 12 foot traffic lanes and one 7 foot parking lane.
- 4. Industrial Road*** – Right-of-way width of 50 feet for two – 12 foot wide traffic lanes and two – 4 foot wide shoulders.
- 5. Minimum Roadway Surface*** – The minimum width of roadway surface shall be twenty-seven (27) feet from back of curb to back of curb, except an industrial road shall be a minimum of twenty-four (24) feet from back of pavement with four (4) foot shoulders on each side of pavement.
- 6. Storm Water Drainage*** – Storm water run-off shall be adequately handled through inlets, catch basins or other drainage structures and storm sewers.

DEVELOPER'S RESPONSIBILITIES – Where collector streets or major arterials are required within a subdivision to efficiently move traffic generated by the subdivision, the required improvements as provided herein on collector and major streets shall be the responsibility of the developer. Where such streets are required in order to efficiently move traffic generated outside the subdivision, the sub-divider shall be responsible for only twenty-seven (27) foot wide streets within his subdivision.

PRIVATE STREETS – A subdivision in which all streets are to remain as private streets shall be permitted provided the subdivision plan and Final Plat shall conform to the General Requirements herein and shall be approved by the “Commission” and the Buchanan County Commission as provided herein. Improvement of streets need not comply with the Required Improvements portion of these regulations provided the sub-divider shall agree, in covenants which will run with the abutting land, that County acceptance of said street shall not be petitioned until the streets are improved in such a manner as to comply with the Required Improvements Sections of these regulations.

ALL SUBDIVISIONS ALONG EXISTING COUNTY ROADS – Where land to be subdivided and under the same ownership extends 350 feet or more along both sides of a street, or 500 feet or more along one side of a street, the sub-divider or owner shall be responsible for the installation of curbs and gutters, and provisions for sidewalks, where required, on the entire length of street upon which lots abut. Or should the abutting street or road be type “C” or a public road designed with shoulders and drainage ditches, the sub-divider or owner shall pay a cash sum equal to the cost of the above required curbs and gutters to Buchanan County Road & Bridge fund to be applied to the improvement and maintenance of said road.

SIDEWALKS – The sub-divider shall grade for sidewalks on both sides of the street on all lots within the proposed subdivision. Four (4) concrete sidewalks four (4) inches thick will be provided on both sides of a street within an area of a radius six-hundred (600) feet from school lot lines.

COMPLETION OF IMPROVEMENTS – All improvements must be completed prior to the issuance of any zoning permits, except as follows:

Personal bonds may be accepted at the option of the “Officer”. Such guarantee shall be for a period of not more than one year from the execution date. By the end of the one-year period, the improvements shall be in place as required by the specification, or guarantee may, at the County option, be enforced and improvements shall be installed by the County. No such surety shall be accepted unless it is enforceable by or payable to the County in a sum at least equal to the costs of constructing the improvements as estimated by the “Officer”.

After approval of the Final Plat, the sub-divider may elect to develop the subdivision as one unit or develop the subdivision in logical portions connected to previously improved areas. This election must be in writing, must define “logical portion” and must be filed with the Commission prior to issuance of zoning permits for the area designated in the election. If election is made to develop the subdivision in logical portions and improvements are completed in the designated area or satisfactory surety in the form of a bond, cash, or securities is furnished by the sub-divider or his contractor to guarantee installation of the improvements to the subdivision or portion of the subdivision, then the zoning permits may be issued.

Inspection – The County Highway Engineer, or his duly authorized representative, shall make three (3) inspections of all pavement construction.

1st Inspection – To check compaction of sub-grade before sub-base or base is applied;

2nd Inspection – To check base course for compaction, material sizes, thickness, etc. before prime coat of surfacing is applied;

3rd Inspection – After roadway is completed.

Written twenty-four (24) hour notice shall be given to the County Highway Engineer regarding any requested inspection. After the final inspection, a report shall be issued within seven (7) days with a copy to the developer by the County Highway Engineer recommending acceptance of the streets for maintenance, or listing the corrections necessary; and if accepted and upon receiving developer’s guarantee, written notice shall be furnished to the developer by the Buchanan County Commission within thirty (30) days.

11. **APPROVAL OF BUCHANAN COUNTY COMMISSION – DISAPPROVAL BY PLANNING AND ZONING COMMISSION – PROTEST BY MUNICIPALITIES** – No plat of subdivision of land in the unincorporated areas of Buchanan County shall be recorded in the office of the County Recorder unless and until approved by the “Commission” and the Buchanan County Commission. If, however, such plat be rejected by the “Commission” or if the Council or Board of Trustees of any municipality that has

adopted zoning and subdivision requirements, files with the “Commission”, a certified copy of a resolution of such Council or Board, protesting against the action of the “Commission” approving any such plat of any land lying within one and one-half miles of the limits of the incorporated area of such municipality, or as otherwise prescribed by statute, such plat may then be approved only by a unanimous vote of the Buchanan County Commission, and the reasons for the approval or failure to approve such plat shall be spread upon the records of the Buchanan County Commission and certified to the “Commission”.

12. **VARIATIONS** – When the sub-divider can show that a provision of these regulations would cause unnecessary hardship, if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the “Commission”, a departure may be made without removing the intent of these provisions, the “Commission” may authorize a variation. Any variation thus authorized is to be stated in writing by the “Commission”, with the reasons for granting such variation.

Any variation, unless necessary, shall never be authorized as a blanket type variation for an entire subdivision.

An application for a variation shall be submitted to the “Commission”, in writing, at the time of the filing of the Preliminary Plat and shall include reasons for requesting such variation.

In granting any variation, the “Commission” may require such conditions as will, in the judgement of the “Commission”, substantially secure the objectives of these regulations so varied.

13. **STAGE CONSTRUCTION** – The developer may, after receiving approval of the Preliminary Plat, petition the “Commission” to proceed with the subdivision by stages. The area may be divided into sections, and after appropriate approval, the installation of improvements may be made in approved sections.
14. **COUNTY FUNDS NOT OBLIGATED** – The County shall not be obligated for the expenditure of any funds whatsoever under and pursuant to the terms of these regulations unless and until the County has approved such expenditure by a majority vote of the Buchanan County Commission..
15. **REGULATIONS MAY BE AMENDED** – The “Commission” may change and amend these regulations from time-to-time, after public hearing, as provided in R.S. Mo.64.550 and amendments thereto. (See 64.645)
16. **VACATE UNIMPROVED SUBDIVISION** – To vacate a recorded subdivision, the sub-divider or developer must present reasons for vacating said unimproved subdivision to the “Commission” and / or “Officer” and the Buchanan County Commission.

CONDITIONS NECESSARY FOR VACATING SUBDIVISION :

The sub-divider or developer must be the sole owner of the unimproved subdivision to be vacated.

No streets, as dedicated, were improved.

No lots, as dedicated, were sold to prospective tenants.

No utilities were installed.

17. **PLANNED UNIT DEVELOPMENT – NEW TOWNS, ETC.** – Where a developer is considering the development of a planned-unit type subdivision, or a new town, or any new concept in subdivision design, development and improvement, upon request of the developer, the “Commission” and the Buchanan County Commission shall have the prerogative of receiving, securing, and approving such developments, notwithstanding other sections of these regulations; provided that approximately equal land and open space will result in approved subdivision of this type, as would result from a conventional layout, and access, egress, and other required improvements must be acceptable to the “Commission” and the Buchanan County Commission.
18. **PENALTIES** – The County Highway Engineer or the “Officer”, or a duly authorized representative of either, shall upon evidence of any violation of these rules, serve an order to cease and desist or correct or remove such violations, such service to be made by registered mail or in person to the owner, general agent, lessee, or contractor responsible for or contributing to the violative act. Any owner, general agent, lessee, or contractor who having been served with an order to cease and desist or correct or remove such violations, shall fail to comply with such order within ten (10) days after such service or who shall continue to violate any of the regulations contained herein and orders made in connection herewith, shall be guilty of a misdemeanor and the County Prosecutor shall take such action as is provided by law.

These Subdivision Regulations have been prepared in accordance with the provisions of the Revises Statutes of Missouri, Section 64.510 through 64.690, 1969, and amendments thereto, and shall take force and effect upon their final approval by the Buchanan County Planning and Zoning Commission and written approval of the Buchanan County Commission.

SUBDIVISION REGULATIONS

Subdivision Regulations adopted May 10, 1962
Revised with amendments to date 1971
Revised with amendments to date 1975
Reprinted with amendments to date December 1984
Reprinted with amendments to date August 2000
Reprinted with amendments to date July 2005
Revised March 2006